

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

CALVIN GAINES,)
vs. Plaintiff,) Case No. 2:07-cv-540-KOB-TMP
NURSE C. SHARIETT, et al.,)
Defendants.)

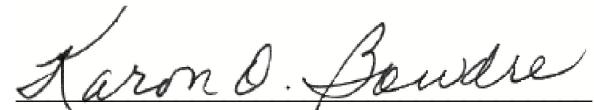
MEMORANDUM OF OPINION

Following an evidentiary hearing held on September 25, 2009, the magistrate judge entered a Report and Recommendation on December 2, 2009, setting forth proposed findings of fact and conclusions of law for consideration by the court. (Doc. 69.) The magistrate judge recommended that judgment be entered in favor of the defendants and against the plaintiff. *Id.* Plaintiff filed objections to the Report and Recommendation on January 20, 2010. (Doc. 72.)

In his objections, the plaintiff challenges the credibility determinations as set forth in the proposed factual findings by the magistrate judge. Having carefully reviewed and considered *de novo* all the materials in the court file, including the transcript of the evidentiary hearing and the plaintiff's objections, the court finds that the magistrate judge's findings of fact and conclusions of law are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that defendants Terry Huel and Christopher Shariett are entitled to judgment as a matter of law. Accordingly, this action is due to be dismissed with prejudice. A Final Judgment will be

entered.

DONE this 1st day of March 2010.


Karon O. Bowdre
KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE